

**TESTIMONY OF
THE MOTOR & EQUIPMENT MANUFACTURERS ASSOCIATION
ON PROPOSED MODIFICATIONS TO
EPA'S SERVICE INFORMATION RULE
66 Fed. Reg. 30830, EPA Air Docket No. A-2000-49
July 25, 2001**

We are speaking today on behalf of the Motor & Equipment Manufacturers Association to provide comments about EPA's proposal to modify the 1995 Service Information Rule so that the rule better serves the needs of the independent aftermarket.

Founded in 1904, the Motor & Equipment Manufacturers Association ("MEMA") exclusively represents and serves more than 700 North American manufacturers of motor vehicle components, tools and equipment, automotive chemical and related products used in the production, repair, and maintenance of all classes of motor vehicles. MEMA is headquartered in Research Triangle Park, N.C., and has offices in Washington, D.C.; Yokohama, Japan; Brussels, Belgium; Mexico City, Mexico; and São Paulo, Brazil. The Heavy Duty Manufacturers Association ("HDMA"), MEMA's affiliate organization, serves member companies participating in the manufacturing of parts and components for the Class 4 to Class 8 medium- and heavy-truck market.

While we intend to submit more comprehensive written comments about the proposed rule, today, we are limiting our oral comments to a few key issues about the proposal which we do not believe are being addressed by other automotive aftermarket trade associations in their presentations. We do also want to note our general agreement with the comments being presented today by the Automotive Engine Rebuilders Association, the Automotive Parts Rebuilders Association, the Automotive Aftermarket Industry Association and the Automotive Service Association.

1. Recommended Clarification of Aftermarket Service Providers

MEMA commends EPA for recognizing the current shortfall in service and repair information available to the independent aftermarket and for drafting this rule to address some of those deficiencies. MEMA also endorses EPA's stated approach to make the service information

on vehicle manufacturer websites broadly available to all those interested in automotive service and repair, including do-it yourselves.¹

Indeed, although MEMA recognizes that EPA is not requiring vehicle manufacturers to provide information necessary for the design and manufacture of independent aftermarket parts, we do believe that it is imperative that EPA ensure that, like do-it yourselves, parts manufacturers will be able to obtain service and repair information from vehicle manufacturer websites. As EPA noted in the preamble to the proposed rule, it is now clear that tampering or misuse of information about OBD systems is not a significant concern and should not prevent the appropriate dissemination of service and repair information.² More importantly, basic OBD-related service and repair information will assist parts manufacturers in ensuring that their parts are emissions-compliant and can be effectively monitored by the OBD system.

We do note that there appears to be an inconsistency between the broad grant of access discussed in the preamble, and the actual terms of the proposed rule. As we read it, the proposed rule may limit the available information to “aftermarket service provider[s]” defined as “any individual or business engaged in the diagnosis, service, and repair of a motor vehicle or engine who is not directly affiliated with a manufacturer or manufacturer franchised dealership.” 86.1808-01(f)(2). Even though the information provided by this rule is not designed for the independent parts manufacturers, given that the goal of this rule is to ensure that emissions-related repair information is broadly available to facilitate the best possible emissions performance of vehicles in-use, it only makes sense for EPA to ensure that independent parts manufacturers can also obtain access to this information.

Over the years, we believe that EPA has wrongly concluded that independent parts manufacturers are not an integral component of the independent aftermarket for service and repair. We are confident that as EPA moves into the heavy-duty arena with OBD systems, it will recognize that parts replacement with non-OE parts is an essential aspect of heavy-duty vehicle service and repair, and should be included within the agency’s definition of the independent service and repair market. For purposes of this rulemaking, however, we ask only that EPA ensure that parts manufacturers have access to the information provided by vehicle manufacturers on the website they design to provide information to the aftermarket about the diagnosis, service and repair of vehicles. We recommend that this be accomplished by an amendment of the definition of “aftermarket service provider” to include “any individual or business engaged in the diagnosis, service, and repair of a motor vehicle or engine, **or any business which supplies goods or services to such businesses,** and who is not directly affiliated with a manufacturer or manufacturer franchised dealership.”

¹ 66 Fed. Reg. 30830, 30835 (June 8, 2001).

² 66 Fed. Reg. at 30839.

2. Reinitialization Capabilities With Respect to Vehicles Equipped with Anti-Theft and Other Interrelated Electronic Systems

MEMA strongly supports the EPA proposal to ensure that the aftermarket service and repair industry have information necessary to reinitialize the vehicle anti-theft system or other interrelated computerized systems when these systems affect the electronic control unit and impact the ability to make emissions-related repairs.³ The dearth of this information in the aftermarket has been a tremendous obstacle to the effective service and repair of newer vehicles equipped with such systems and has caused a substantial competitive disadvantage for the independents. It has also caused considerable inconvenience not only to the automotive aftermarket, but also to consumers forced to take their vehicles to dealers to complete or accomplish the repair. EPA's proposal to require vehicle manufacturers to reveal information about electronic systems which interrelate with the OBD system should go a long way toward leveling the playing field among independents and franchised dealers in the service and repair of newer vehicles.

3. Inclusion of Heavy-Duty Vehicles in this Service Rule

MEMA also strongly supports EPA's proposal to extend the protections and information availability requirements granted by the proposed rule to the heavy-duty automotive market in model year 2005, at the time that OBD hardware requirements go into effect on certain of those vehicles.⁴ Heavy-duty vehicles and engines generally travel great distances while carrying heavy cargo in far shorter periods of time than light-duty vehicles. Such vehicles are frequently serviced, and often in the independent aftermarket. Indeed, it is even more likely in the heavy-duty market that newer vehicles under warranty are serviced by independents for reasons of cost, proximity, convenience and reliability. Consequently, MEMA expects that aftermarket service facilities will begin seeing OBD-equipped heavy-duty vehicles shortly after those vehicles are sold and distributed to consumers. Aftermarket businesses will be immediately and adversely affected if they lack the information necessary to diagnose, service and repair emissions-related vehicle malfunctions. Given this, MEMA enthusiastically supports EPA's requirements that vehicle manufacturers not only provide service and repair information to the heavy-duty aftermarket, but that they do so within three months of the model year introduction.

4. Content of Vehicle Manufacturer Websites

In general, MEMA enthusiastically supports the EPA requirements as to the content and ease-of-use of vehicle manufacturer websites. We specifically support the proposal to require

³ 66 Fed. Reg. at 30834.

⁴ 66 Fed. Reg. at 30843.

vehicle manufacturers to include on their websites information from third-party contractors and suppliers necessary for the service and repair of the vehicle components they contribute to the vehicle.⁵ We note that EPA seeks comment on whether vehicle manufacturers should be allowed to meet this obligation by requiring third-party contractors and suppliers to create their own EPA-compliant websites which are linked to the OEM website. MEMA would oppose this alternative manner of meeting the EPA requirement because MEMA believes that it will be far easier to use and search the website if all of it is located on a single server, and because it will be important that EPA can identify a single responsible party for all content and operational issues related to each website. For these reasons, EPA should require a single vehicle manufacturer website, as to which the vehicle manufacturer is solely responsible to EPA and the aftermarket for the completeness and accuracy all service and repair information.

We thank EPA for initiating this rulemaking and for allowing MEMA this opportunity to identify a few of the key issues we identified in our review of the proposed rule. We would be pleased to answer any questions about this today, or to discuss any of these issues further with EPA staff individually.

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⁵ 66 Fed. Reg. at 30834.